

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

In the Matter of:

All Makes Auto Repair  
3218 North 7<sup>th</sup> Street  
Beatrice, Nebraska 68310

) Docket No. CAA-07-2003-0047  
) CLEAN AIR ACT  
) 42 U.S.C. § 7401 et seq.

ADMINISTRATIVE COMPLIANCE ORDER

The EPA has information that All Makes has been performing service, maintenance, retrofits, or repairs on motor vehicle air conditioning systems (MVACS) containing CFC-12 and HFC-134a. In addition, the EPA was informed that All Makes has been using the manifold and gauges for HFC-134a. Our database shows no record of All Makes' registration of certified recovery or recycling equipment for HFC-134a as is required by law.

Pursuant to Section 113(a)(3)(B) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3)(B), as amended, All Makes is hereby ordered by the United States Environmental Protection Agency (EPA) to comply with the requirements of Section 609 of the Act, 42 U.S.C. § 7671h, and the regulations promulgated thereunder, and codified at 40 C.F.R. Part 82, Subpart B, §§ 82.34(a)(1) and (2), and 82.42(a)(1). Specifically, EPA orders All Makes to comply with the provisions of 40 C.F.R. Part 82 as outlined below within 30 days of the effective date of this Order.

1. Certify, in writing, to the Administrator that All Makes has ceased to maintain, service, repair, or dispose of MVACS containing HFC-134a, or
2. Certify, in writing, to the Administrator that All Makes has acquired, and is properly using, certified recovery or recycling equipment approved for use with MVACS containing HFC-134a by completing and returning the enclosed form, and certify that each individual authorized to use the equipment is properly trained and certified. Also include the information for your R12 certified recovery or recycling equipment on the form.
3. Provide copies of either the wallet-size or the wall size certificate for all technicians who maintain, service, repair, or dispose of MVACS at All Makes.

Section 113(a)(3)(B) of the Act grants EPA the authority to issue an Order to Comply to any person found in violation of Subchapter VI of the Act and the regulations promulgated pursuant thereto.

Failure to comply with any of the provisions of this Order may result in an enforcement action under § 113 of the Act, 42 U.S.C. § 7413. Under § 113(a) of the Act, the Director is authorized to address such a violation as follows:

- a. Issue an administrative penalty order assessing a civil penalty not to exceed \$27,500 per day of violation;

b. Bring a civil action for permanent or temporary injunction, or to recover a penalty not to exceed \$27,500 per day of violation, or both; or

c. Request the Attorney General to commence a criminal action pursuant to Section 113(c) of the Act.

Issuance of this Order does not preclude the State of Kansas or EPA from assessing penalties or taking any other action authorized under the Act. This Order does not affect All Makes' obligation to comply with all federal, state and local statutes, regulations and permits.

This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, All Makes requests a conference with EPA. In such event, the effective date of the Order shall be extended until the date of such conference or to a time established by EPA. To request such a conference, contact Henry F. Rompage, Attorney, Office of Regional Counsel, EPA Region VII, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101, telephone (913) 551-7280.

All information and documents submitted by All Makes to EPA pursuant to this Order shall be subject to public inspection unless identified as confidential by All Makes in accordance with the requirements of 40 C.F.R. Part 2. Information and documents so identified will be disclosed only in accordance with the provisions of 40 C.F.R. Part 2.

12/23/02  
Date

Stanley Walker  
for William A. Spratlin, Director  
Air, RCRA, and Toxics Division